

Heiltsuk Nation Launches Charter Challenge Against RCMP for Failure to Enforce Band Council Bylaws

By refusing to enforce Indigenous trespass bylaws, while enforcing property laws in non-Indigenous communities, the RCMP engages in unequal and discriminatory treatment.

VANCOUVER, BRITISH COLUMBIA (February 25, 2025) – The Heiltsuk Nation has filed a Charter Challenge lawsuit against the RCMP in BC Supreme Court, claiming the force's ongoing failure to enforce trespass bylaws on Heiltsuk reserve lands, duly enacted under the *Indian Act*, amounts to unequal and discriminatory treatment that infringes their [section 15 Charter rights](#) to receive equal protection and benefit of the law without discrimination.

A copy of the notice of claim is [available here](#).

Grand Chief Stewart Phillip of the Union of BC Indian Chiefs and other Indigenous leaders joined the Heiltsuk at a press conference, affirming the RCMP's failure to enforce is a Canada-wide problem that erodes the rule of law in First Nations communities; exacerbates systemic problems involving substance abuse, mental health issues, and violence against women and girls; and deprives First Nation governments of the necessary tools to protect their communities.

The Union of BC Indian Chiefs Council passed a resolution on February 13th supporting the Heiltsuk ([Resolution no. 2025-15](#)) and calling on the RCMP to enforce First Nations' bylaws.

"We are launching this lawsuit to secure equal treatment and enforcement of trespass bylaws by the RCMP, to protect our communities and save lives," said Marilyn Slett, elected Chief of the Heiltsuk Nation. "Today, when a non-Indigenous municipality, landowner or business requests enforcement of a property law, the RCMP enforces it without question, but when an Indigenous government makes the same request, we are refused. This is racist and discriminatory, and it is putting our lives at risk."

Heiltsuk have produced [a short and powerful testimonial video](#) (3:35) about the issue for media.

Like many Indigenous and non-Indigenous communities, Bella Bella is experiencing a crisis of public safety, due to violence, and to addictions exacerbated by drug-dealing. These harms are worsened by the RCMP's refusal to enforce bylaws, as offenders can act freely without fear of enforcement, creating an atmosphere of fear and lawlessness. Given the risk of violence and a lack of action, witnesses are reluctant to agree to testify, to press charges, or to even provide basic facts to the RCMP, further undermining trust and putting reconciliation further out of reach.

"The RCMP's failure of enforcement is racist and discriminatory, and it violates the Charter of Rights and Freedoms," said Grand Chief Stewart Phillip of the Union of BC Indian Chiefs. "They have no problem enforcing bylaws to keep non-Indigenous Canadians and businesses safe, but when it comes to Indigenous people, they have an illegal double standard. We stand with the Heiltsuk Nation in calling on the RCMP to enforce First Nations' bylaws across Canada."

When Indigenous leaders ask the RCMP to enforce their bylaws, which are subordinate federal legislation with force and effect under the *Indian Act*, they are refused with claims that the bylaws must "go through RCMP legal services for their review" before they can be enforced.

Even though the RCMP does not question, pick, or choose which federal laws to enforce in any

other instance, they are choosing to ignore federal laws passed by Indigenous governments, despite there being no legal impediment preventing them from enforcing.

Like other First Nations across Canada, Heiltsuk Tribal Council has enacted bylaws relating to residency and trespass, as per section 81(1) of the *Indian Act*, which authorizes councils to make bylaws for a variety of purposes, including:

- The observance of law and order.
- The prevention of disorderly conduct and nuisances.
- The removal and punishment of persons trespassing on a reserve or frequenting a reserve for prohibited purposes.

The Heiltsuk Nation's lawsuit seeks treatment equal to that provided to non-Indigenous communities, through assistance in removing any individual who has no right to reside on reserve lands, has lost residency rights due to serious criminal activity, or whose activities create a risk to public safety, in accordance with the Nation's *G̱viłàs* (Heiltsuk law).

B-roll and high-resolution interviews with Heiltsuk leaders about the impacts of the RCMP's ongoing failure to enforce bylaws in Bella Bella are available here: https://f.io/RT_Q1iQ6

Celebrating the Heiltsuk Constitution

Heiltsuk Nation celebrated a monumental moment last week, approving a precedent-setting written Constitution, affirming their inherent Indigenous legal traditions, and allowing the Nation to pass its own laws. The development and enforcement of laws under the new Constitution will be an incremental process. In the meantime, the Heiltsuk have vowed to use every legal and governance tool available to them, whether imposed by the Indian Act, or declared under their own inherent Indigenous law, to protect their community and improve the lives of their people.

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